

REVISED

ARIZONA HOUSE OF REPRESENTATIVES Forty-eighth Legislature - Second Regular Session

MAJORITY CAUCUS CALENDAR

May 13, 2008

BLUE SHEET #12 (concur/refuse) only HB2081 (Konopnicki)
BLUE SHEET #13 (concur/refuse)
BLUE SHEET #14 (concur/refuse)
BLUE SHEET #15 (concur/refuse)

Bill Number	Short Title	Committee	Date	Action
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Committee on Commerce

Analyst: Diana O'Dell Assistant Analyst: Tony DeMarco

<u>SB 1361</u>	Arizona career pathways initiative				
SPONSOR:	BEE	COM	4/2	DP	(7-2-0-1-0)

Committee on Health

Analyst: Dan Brown

<u>SB 1098</u>	adult immunization information system				
SPONSOR:	MCCUNE DAVIS	HEALTH	4/2	DP	(8-0-0-2-0)

Committee on Human Services

Analyst: Eden Rolland

<u>SB 1253</u>	state employees; living donor leave.				
SPONSOR:	BURNS	HS	3/27	DP	(6-1-0-3-0)

Committee on Homeland Security and Property Rights

Analyst: Rene Guillen

<u>SB 1106</u>	concealed weapons permit; renewal option				
SPONSOR:	GRAY C	HSPR	4/7	DP	(5-4-0-1-0)

Committee on Judiciary

Analyst: Kristine Stoddard

<u>SB 1265</u>	elections; proxies prohibited (JUDICIARY S/E: personnel administration; law enforcement officers)				
SPONSOR:	JOHNSON	JUD	4/10	DPA/SE	(8-0-1-1-0)

Committee on Natural Resources and Public Safety

Analyst: Ralene Whitmer

<u>SB 1070</u>	concealed weapons permit; qualifications; instructors				
SPONSOR:	GRAY C	NRPS	3/26	DP	(9-0-0-1-0)

<u>SB 1264</u>	mineral inventory; technical correction (Now: public rights-of-way; claims)				
SPONSOR:	JOHNSON	NRPS	4/2	DP	(7-3-0-0-0)

<u>SB 1476</u>	probation; facilities; safe communities act				
SPONSOR:	HUPPENTHAL	NRPS	3/26	DPA	(8-2-0-0-0)

Committee on Transportation

Analyst: John Halikowski

SB 1291 towing companies; release of vehicles

SPONSOR: GORMAN

TRANS

4/10

DPA

(6-0-0-4-0)



HOUSE OF REPRESENTATIVES

SB1361

Arizona career pathways initiative

Sponsors: Senators Bee, Aboud, O'Halleran, et al

DP` Committee on Commerce

X Caucus and COW

House Engrossed

SB 1361 creates the Arizona Career Pathways Initiative Program to foster skills training to workers for future employment in careers with employee shortages. The Arizona Department of Commerce is instructed to establish the program based on available monies.

History

Arizona currently administers job training programs to foster workforce development in the State. For example, the Arizona Job Training Program (AJTP) is established through the Arizona Department of Commerce (Department), and is a job-specific reimbursable grant program that supports customized training to meet specific needs of employers, create new jobs and help increase the skill and wage levels of employees in Arizona. The AJTP is funded by legislative appropriations, gifts, grants, and a compulsory tax on employers, who later can apply for grants for new-hire and existing employee training. Job training fund monies are expended at the discretion of the Department director in accordance with the guidelines and procedures adopted by the Governor's council on workforce policy.

The Arizona Workforce Connection is a statewide system of workforce development partners, which provides free services to employers who seek access to skilled new hires or existing worker training resources. The program is funded through federal monies established by the Workforce Investment Act of 1998. The Arizona Department of Economic Security (DES) provides statewide program oversight and also acts as the fiscal agent and administrative entity for the State. According to DES, 85 percent of the federal funds are allocated to Local Workforce Investment Areas, with the remaining available for discretionary purposes such as administration, statewide initiatives, and competitive grants for employment and training programs. DES acts in concert with the Department of Commerce and the Governor's council to execute the program.

The Arizona Career Pathways Initiative Program, as proposed by SB 1361, would utilize local market intermediaries, which are nonprofit, nongovernmental entities that facilitate relationships between currently employed workers, businesses, and training institutions. In addition, the bill would require intermediaries to provide counseling and a supplemental support system to employees while in the course of long-term training.

JobPath, a Tucson-based organization created in 1998, is based on a similar concept of long-term training and support as that proposed by SB 1361. According to *JobPath*, the

program provides individualized training strategies, financial assistance, case management and counseling, and post-placement support services.

Provisions

- Establishes the Arizona Career Pathways Initiative Program (Initiative).
- Terminates the Initiative on July 1, 2018.

DOC Requirements:

- Specifies that all DOC requirements with regard to the Initiative are dependent upon *available monies*.
- Requires the DOC to establish the Initiative, which is designed to cooperate with *local market intermediaries* to deliver postsecondary training to lower income and underskilled adults and facilitate employment in job fields with critical employee shortages.
- Stipulates that the DOC must request proposals from *labor market intermediaries* to implement the Initiative.
- Instructs the DOC to award contracts to *local market intermediaries* that have demonstrated success in obtaining governmental, state, or private foundation funds, and a need from Arizona employers from graduates in identified job fields.

Local Market Intermediaries:

- Defines *labor market intermediary* as a nonprofit, nongovernmental corporation established in Arizona that provides support for motivated adults seeking skills training in job fields with critical employee shortages, and that cooperates with employers to identify the specific skills needed for high demand occupations.
- Outlines the qualifications of a *local market intermediary*. To qualify, the intermediary must:
 - Have a strong relationship with employer groups that have job needs, as well as with local training institutions (e.g. community colleges);
 - Provide individual and group counseling and support services for students; and
 - Demonstrate relationships with local communities, including recruitment through community institutions.
- Requires the *labor market intermediary* to issue a report at the end of each contract to the DOC director detailing the amount and type of training received by students, as well as the students' success in obtaining employment.



HOUSE OF REPRESENTATIVES

SB 1098

adult immunization information system

Sponsors: Senators McCune Davis, Allen

DP Committee on Health

DP Committee on Government

X Caucus and COW

House Engrossed

SB 1098 establishes an adult immunization information system (System) under the Department of Health Services (DHS), and gives health care professionals the option of reporting adult immunization information to the DHS for inclusion in the system, and allows patients to request that their information not be disclosed.

History

Arizona Revised Statutes (A.R.S.) § 36-135 requires health care professionals to report to the DHS about all immunizations they administer to children in Arizona. They must make reports at least monthly, and provide the following information for each vaccine administered:

- The health care professional's name, business address, and business phone number.
- The child's name, address, social security number, gender, date of birth, and mother's maiden name.
- The type of vaccine administered and the date it was administered.

The DHS collects this information in an electronic registry called the Arizona State Immunization Information System (ASIIS). The DHS is authorized to release identifying information from the ASIIS to a child's health care professional, parent, guardian, health care service organization, the Arizona Health Care Cost Containment System (AHCCCS), and certain school officials. The DHS may also release nonidentifying summary statistics based on ASIIS data for public use.

A.R.S. § 36-135 further provides that identifying information in the ASIIS is confidential, and prescribes penalties for agencies and health care professionals that disclose such information or otherwise violate regulations related to the ASIIS. A parent or guardian may also request that a child's immunization information be withheld from the ASIIS altogether.

Provisions

- Establishes the System to collect, store, analyze, release, and report adult immunization data, and to collect, store, and release titers and other measures of protection against vaccine-preventable diseases.

- Permits a health care professional licensed to provide immunizations to report the following information to the DHS:
 - The health care professional's name, business address, and business phone number.
 - The patient's first name, middle initial, and last name.
 - The patient's date of birth, address, sex, and social security number, if known and not confidential.
 - The type of vaccine administered and the date it was administered.
 - The type of vaccine-preventable titer or measure collected, the date it was collected, and the results.
- Allows health care professionals to submit this information weekly or monthly, by computer, or by another method prescribed by the DHS.
- Limits the parties to which the DHS can release this information to the following:
 - The patient's health care professional, guardian or health care insurer.
 - The AHCCCS and its providers.
 - Any other person for a specified purpose, as prescribed by the DHS by rule.
- Stipulates that a health care insurer can use information released to it from the System only for quality assurance purposes, and explicitly prohibits insurers from using this information for rating purposes.
- Provides that the DHS may release non-identifying information for summary statistics.
- Stipulates that identifying information in the System is confidential, and prohibits anyone authorized to receive such information from disclosing it to any other person.
- Provides that a health care professional who provides immunization information in good faith is not subject to civil or criminal liability.
- Provides that it is a class 3 misdemeanor for a person or agency authorized to receive immunization information to disclose that information to any other person.
- Requires the DHS to provide a form allowing an adult patient's information to be withheld from all persons, including those authorized to receive information through the System.
- Defines *health care insurer*.



HOUSE OF REPRESENTATIVES

SB 1253

state employees; living donor leave.

Sponsors: Senators Burns; Harper

DP Committee on Human Services

W/D Committee on Government

DP Committee on Appropriations

X Caucus and COW

House Engrossed

SB 1253 entitles state employees to a leave of absence with base pay for the purpose of serving as a bone marrow or an organ donor.

History

While most organ and tissue donations occur after the donor has died, some organs and tissues can be donated while the donor is alive. According to the U.S. Department of Health and Human Services (HHS), the first successful transplant in the U.S. was made possible by a living donor in 1954. The HHS estimates that about 6,000 living organ donations occur nationally each year.

The most frequent living donor procedure is the donation of a kidney. It is also possible for a living donor to donate a lobe of the liver, a lung or part of a lung, part of the pancreas or part of the intestines. Living donors may also donate certain types of tissues, including blood, bone marrow, blood stem cells and umbilical cord blood. Both blood and bone marrow can be donated more than once because they are regenerated and replaced by the body after donation.

The Organ Procurement and Transplantation Network (OPTN) is the national unified transplant network, established by Congress in 1984. According to the OPTN, there were 171 organ donations made by living donors in Arizona in 2007 (www.optn.org). Data on bone marrow donation is not available on a state-by-state basis; however, the National Marrow Donor Program estimates there were 3,700 marrow and cord blood transplants nationally in 2007.

The JLBC fiscal note issued for SB 1253 estimates an annual fiscal impact of \$20,600. Of this amount, \$13,400 is from the General Fund and \$7,200 comes from Other Appropriated Funds.

Provisions

- Permits state employees to take a leave of absence to be a bone marrow donor or an organ donor, for the following specified times:
 - Five work days to serve as a bone marrow donor.
 - Thirty work days to serve as an organ donor.

SB 1253

- Requires the employee to provide the employer with written verification that the employee will serve as a bone marrow or an organ donor.
- Stipulates that the employee is entitled to receive base pay without interruption during the leave of absence.
- Specifies that the employee's service is considered uninterrupted by the leave of absence for the receipt of benefits, and for purposes of determining seniority, pay or pay advancement and performance awards.
- Establishes that the employer may not penalize an employee for requesting or obtaining a leave of absence to be a bone marrow or an organ donor.
- Defines *bone marrow*, *bone marrow transplant*, *organ* and *human organ transplant*.
- Defines *employee* as a person employed in a position in any office, board, commission or department in state government or a person employed by the judiciary, state universities or community colleges.



HOUSE OF REPRESENTATIVES

SB 1106

concealed weapons permit; renewal option

Sponsors: Senators Gray C, Blendu, Representative Biggs, et al.

DP Committee on Homeland Security & Property Rights

W/D Committee on Judiciary

X Caucus and COW

House Engrossed

SB 1106 allows concealed weapon permit holders to obtain a permit that is valid for the holder's lifetime unless the permit is suspended or revoked.

History

According to A.R.S. § 13-3112 (E), the Arizona Department of Public Safety (DPS) must issue a concealed weapon (CCW) permit to any applicant who meets all of the following criteria:

- Is a resident of Arizona or a United States citizen;
- Is 21 years of age or older;
- Is not under indictment for and has not been convicted of a felony in any jurisdiction;
- Does not suffer from mental illness;
- Is not unlawfully in the United States;
- Satisfactorily completes an approved firearms safety training program.

Currently, CCW permits are valid for 5 years (A.R.S. § 13-3112 (I)). After 5 years, the permit may be renewed by submitting an application for renewal, paying a fee, and passing a criminal history records check (A.R.S. § 13-3112 (L and M)).

The DPS currently charges a fee of \$43 for renewing a CCW permit.

Provisions

- Provides CCW permit holders with the option to receive a permit that is valid either for 5 years or for the permit holder's lifetime.
- Stipulates that a CCW permit must contain either a lifetime or a 5 year designation on the permit's face.
- Makes conforming changes.



HOUSE OF REPRESENTATIVES

SB 1265

elections; proxies prohibited

Sponsor: Senator Johnson

DPA

S/E Committee on Judiciary

X Caucus and COW

House Engrossed

SB 1265 prohibits the use of a power of attorney or other form of proxy to modify voter registration.

Summary of the proposed strike-everything amendment to SB 1265

History

According to A.R.S. § 38-1101, if employers of law enforcement officers and probation officers reasonably believe an interview of an employee may result in dismissal, demotion or suspension, the following apply:

1. The law enforcement officer or probation officer may request to have a representative at no cost to the employer during the interview; and
2. Before the commencement of the interview, the employer must provide the law enforcement officer or probation officer with written notice that includes:
 - a. The specific nature of the investigation;
 - b. The officer's status in the investigation;
 - c. All known allegations of misconduct that are the reason for the interview; and
 - d. The officer's right to have a representative present.

A law enforcement officer or probation officer may request a change of hearing officer or ALJ for an appeal hearing for a disciplinary action in which a single hearing officer or administrative law judge (ALJ) has been appointed. For cases that are before the Office of Administrative Hearings (OHA), on the first request of the party, the request must be granted. All other requests, including any subsequent requests in cases before OHA, may be granted only on a showing that a fair and impartial hearing cannot be obtained due to the prejudice of the assigned hearing officer or ALJ. The supervisor or supervising body of the hearing officer or ALJ must decide whether a showing of prejudice has been made.

Provisions

- Requires that, upon the first request of a party, a change of hearing officer or ALJ be granted for hearings before the OHA, the state personnel board or in a county with a population of 250,000 or more persons or a city with a population of 65,000 or more persons.

SB 1265

- Stipulates that the request must be made within 15 days of notice of the appointment of the hearing officer or ALJ.
- Stipulates that if a party violates the requirements pertaining to an employer interviewing a law enforcement officer or probation officer, unless the violation is harmless, the party must not be permitted to use the evidence obtained during the interview at the hearing, except on a showing of good cause.
- Makes a conforming change.

Amendments

Judiciary

- The strike-everything amendment was adopted and was further amended by making conforming changes.



HOUSE OF REPRESENTATIVES

SB 1070

concealed weapons permit; qualifications; instructors

Sponsors: Senators Gray C: Gray L.

DP Committee on Natural Resources and Public Safety

W/D Committee on Judiciary

X Caucus and COW

House Engrossed

Senate Bill 1070 allows individuals to provide concealed weapons training and modifies training requirements for applicants seeking a concealed weapons permit.

History

A.R.S. § 13-3112 prescribes that The Department of Public Safety (DPS) may issue permits that allow a person to carry a concealed deadly weapon. Such persons must complete a DPS approved firearms safety course, and must meet the following requirements:

- Is a resident of Arizona or a citizen of the United States.
- Is 21 years of age or older.
- Is not under indictment for or convicted of a felony in any jurisdiction.
- Does not suffer from mental illness and has not been adjudicated mentally incompetent or committed to a psychiatric facility.
- Is not unlawfully present in the United States.
- Completes a firearms safety program approved by DPS.

A.R.S. § 13-3112 states that an organization must apply to DPS for approval of its firearms safety program. DPS may authorize an organization to provide firearms training if the program meets the following requirements:

- The class must be at least eight hours in length.
- The class is conducted on a pass or fail basis.
- The program must address legal issues relating to the use of deadly force, weapon care and maintenance, mental conditioning for the use of deadly force, safe handling and storage of weapons, marksmanship and judgmental shooting.

The organization may request an administrative hearing if DPS rejects the proposed safety program.

Organizations that employ firearms safety instructors must submit to DPS, from each instructor, two sets of fingerprints and a fee set by the Director of DPS for a criminal history record check. (A.R.S. § 13-3112)

Provisions

- Requires a person who applies to DPS for a concealed weapons permit to provide adequate documentation to DPS showing that the person has ever satisfactorily completed a DPS approved firearms safety training program.

SB 1070

- Defines *adequate documentation* as a certificate, card or document of completion from an approved firearms safety training program that has affixed to it the stamp, seal or signature of the instructor or organization that conducted the training program or a current or expired permit issued by DPS.
- Allows an individual who is approved by DPS or possesses National Rifle Association instructor certifications in pistol and personal protection to provide firearms safety training.
- Requires instructors to submit to DPS two sets of fingerprints and a fee determined by the Director of DPS in order to conduct a criminal history record check.
- Allows an instructor to request an administrative hearing if the program or instructor was rejected by DPS.
- Makes technical and conforming changes.



HOUSE OF REPRESENTATIVES

SB 1264

public rights-of-way; claims

Sponsor: Senator Johnson

DP Committee on Natural Resource and Public Safety

X Caucus and COW

House Engrossed

Senate Bill 1264 provides for the retention of Revised Statute 2477 rights-of-way that were enacted before October 21, 1976.

History

Congress passed the Mining Act of 1866 and allowed for the right-of-way for the construction of highways over public lands that are not reserved for public uses. The Mining Act of 1866 was later reenacted and recodified as Revised Statute 2477 (R.S. 2477). In 1976, R.S. 2477 was repealed with the enactment of Section 5 of the Federal Land Policy and Management Act (FLPMA). The FLPMA maintained existing R.S. 2477 rights-of-way.

Provisions

- Asserts and claims, on behalf of Arizona and its political subdivisions, rights-of-way across public lands that were acquired from and after the effective date of R.S. 2477 through its repeal on October 21, 1976.
- Specifies that these rights-of-way may have been acquired in any manner authorized by the law of the United States, the Territory of Arizona or this State, including:
 - The use by this State or a political subdivision of this State with the intention of establishing a public highway or public lands.
 - The construction of maintenance of a public highway over public lands.
 - The inclusion of the right-of-way in a state, county or municipal road system, plat, description or map of public roads.
 - The expenditure of public monies on the highway.
 - The execution of a memorandum of understanding or other agreement with any agency of the United States Government that recognizes the right or obligation of this State or a county, city or town to construct or maintain a highway or a portion of a highway.
 - Any other affirmative act by this State or a county, city or town, consistent with federal, territorial or state law indicating acceptance of a right-of-way.
 - The use by the public for a period required by law.
- Stipulates that this State does not recognize or consent, and has not consented, to the exchange, waiver or abandonment of any R.S. 2477 right-of-way across public lands unless by formal, written official action by the state, county or municipal agency or instrumentality that held the right-of-way, and recorded in the office of the county recorder of the county in which the public lands are located.

- Establishes that no officer, employee or agent of this State or a county, city or town has or had authority to exchange, waive, or abandon a R.S. 2477 right-of-way unless by formal, written official action.
- Specifies that the failure to conduct mechanical maintenance of a R.S. 2477 right-of-way does not affect the status of the right-of-way as a highway for any purpose of R.S. 2477.
- Stipulates that the omission of a R.S. 2477 right-of-way from any plat, description or map of public roads does not waive or constitute a failure to acquire a right-of-way under R.S. 2477.
- Maintains that the extent of a R.S. 2477 right-of-way is the dimension that is reasonable under the circumstance.
- Directs that a R.S. 2477 right-of-way includes the right to:
 - Widen the highway as necessary to accommodate increased public travel and traffic associated with all accepted uses.
 - Change or modify the horizontal alignment or vertical profiles as required for public safety and contemporary design standards.
- Stipulates that this legislation does not affect the inclusion or exclusion of, or the obligation of maintaining, any highway, road, street or route in any system of state, county or municipal streets, roads or highways.
- Requires the inclusion of any highway, road, street or route in the state, county or municipal system to be in accordance with other law.



HOUSE OF REPRESENTATIVES

SB 1476

probation; facilities; safe communities act

Sponsors: Senators Huppenthal, Gray L.

DPA Committee on Natural Resources and Public Safety

X Caucus and COW

House Engrossed

Senate Bill 1476 allows the court to adjust a person's length of probation if the person has qualified for earned time credit. It provides a process for a portion of the cost savings from a reduction in probation revocations to be used for probation programs. The bill also names this act as the *Safe Communities Act*.

History

Prisoners sentenced to a term of imprisonment after January 1, 2004 are eligible for earned release credits of one day for every six days served including time served in county jails (A.R.S. § 41-1604.07). Those prisoners who were sentenced to a term of imprisonment before January 1, 2004 are eligible for earned release credits depending on their conviction (A.R.S. § 41-1604.10).

Generally, the length of probation a court may sentence a person to is as follows:

- For a Class 2 felony, seven years.
- For a Class 3 felony, five years.
- For a Class 4 felony, four years.
- For a Class 5 or 6 felony, three years.
- For a Class 1 misdemeanor, three years.
- For a Class 2 misdemeanor, two years.
- For a Class 3 misdemeanor, one year. (A.R.S. § 13-902)

A.R.S. § 13-901 permits a court to terminate the period of probation and discharge the defendant at a time earlier than the original term if the court determines that justice is served and the conduct of the defendant warrants the early termination.

If a court sentences a person to probation, the court is allowed to set conditions of probation that may promote rehabilitation, and a probation officer is allowed to impose on the probationer regulations that will help implement the conditions of probation set by the court. These conditions of probation must be given to the probationer in writing (Rules of Criminal Procedure, Rule 27.1). The conditions of probation or the regulations implementing the conditions of probation may be modified or added to during the term of probation (A.R.S. § 13-901 & Rule 27.3). Conditions of probation may include such things as fees, jail time and restitution. The court may also revoke a person's probation in accordance with the Rules of Criminal Procedure if the person commits an additional offense or violates a condition of probation (A.R.S. § 13-901).

A Fiscal Note from the Joint Legislative Budget Committee (JLBC) projects a gross Arizona Department of Corrections (ADOC) savings of \$11 million as analyzed by The

Council of State Governments Justice Center. JLBC has estimated a net savings to the State of \$7.1 million and a distribution to the counties of \$4.7 million. The Fiscal Note specifies that the actual savings cannot be determined in advance with certainty.

Provisions

- Requires the JLBC to annually calculate:
 - If there are costs that have been avoided from reductions in the percentage of people on supervised probation from each county whose probation is revoked and who are sentenced to serve a term of imprisonment in the ADOC.
 - The percentage of people on supervised probation from each county who are admitted to the ADOC after a conviction for a new offense.
 - The baseline revocation/admission rates for the calculations are the average of the revocation/admission rates in Fiscal Years 2005-2006, 2006-2007 and 2007-2008.
- Requires the Legislature to annually appropriate to the Administrative Office of the Courts (AOC) up to 40% of any cost savings calculated by the JLBC.
- Specifies that the cost savings be deposited into the Adult Probation Services Fund of each county according to the following provisions:
 - 20% of the calculated savings must be appropriated if there is a reduction in the percentage of people from that county whose terms of supervised probation are revoked and who are admitted to the ADOC.
 - 20% of the calculated savings must be appropriated if there is a reduction in the percentage of people from that county who are on supervised probation and who are admitted to the ADOC for conviction of a new crime.
- Mandates that the appropriated monies are to be used to supplement, not supplant, any other state or county appropriation for the Superior Court Adult Probation Department.
- Requires monies appropriated from the calculated cost savings and deposited in the Adult Probation Services Fund of each county be used for:
 - Increasing the availability of substance abuse treatment programs for probationers.
 - Increasing the availability of risk reduction programs and intervention for probationers.
 - Grants to nonprofit victim services organizations to partner with the probation department and the court to assist victims and increase the amount of restitution collected from probationers.
- Requires the AOC and ADOC to jointly report each year to the President of the Senate, the Speaker of the House of Representatives and the Governor on the:
 - Impact of the monies appropriated from the calculated cost savings.
 - Percentage of probationers whose probation is revoked each year.
 - Percentage of probationers who are convicted of new crimes each year.
 - Copies of the report must also be given to the Secretary of State and the Director of the Arizona State Library, Archives and Public Records.
- Allows the Court to adjust the period of a defendant's supervised probation on the recommendation of an adult probation officer for earned time credit.
- Specifies that earned time credit equals 20 days for every month that a defendant does all of the following:

- Exhibits positive progression toward the goals and treatment of the defendant's case plan.
 - Has no new arrests.
 - Is current on payments for court ordered restitution, fines and fees.
 - Is current in completing community restitution.
- Allows, instead of require, the court to revoke a defendant's term of intensive probation and sentence the defendant to prison if the defendant commits a new felony offense or violated a condition of intensive probation that poses a serious danger to the community.
- Contains a legislative findings section.
- Specifies that this act will be known as the *Safe Communities Act*.

Amendment

Committee on Natural Resources and Public Safety

- Requires the Auditor General to complete a performance audit by June 30, 2014 of the probation revocation or adjustment and crime reduction performance.
 - The Auditor General must provide a copy of the performance audit to the President of the Senate, the Speaker of the House of Representatives, the Governor, the Secretary of State, the Director of the Arizona State Library, Archives and Public Records and any other person requesting a copy.
- Specifies that earned time credit equals 20 days for every 30 days.
- Specifies that earned time credit is revoked if a defendant who is on probation is arrested.
- Excludes defendants who meet the following criteria from qualifying for earned time credit.
 - On lifetime probation.
 - Convicted of a Class 1, 2 or 3 felony.
 - Convicted of any sexual offense or sexual exploitation of children, an offense that includes an allegation of sexual motivation or a similar offense in another state or jurisdiction.
 - Convicted of one of 49 listed offenses.
 - On probation for any misdemeanor.
- Retains current statute relating to the modification of intensive probation.



HOUSE OF REPRESENTATIVES

SB 1291

towing companies; release of vehicles

Sponsor: Senator Gorman

DPA Committee on Transportation

X Caucus and COW

House Engrossed

Senate Bill 1291 requires a towing company to provide a requesting insurance company with a detailed written statement of all charges for towing, storage and related fees following the insurance company's request for release of a vehicle. In addition, SB 1292 prohibits a vehicle repair facility from paying a towing company to induce potential customers to a particular repair facility. SB 1292 makes several other changes to the vehicle release process between towing and insurance companies.

History

Laws 2003, Chapter 153 requires a towing company to release a vehicle in the tower's possession to an insurance company if the insurance company representative delivers a vehicle release request to the tower containing statutorily specified information.

Laws 2004, Chapter 144 further amended the statutes governing release of a vehicle between a tower and an insurance company. The 2004 changes require that a towing company must release a vehicle on the day both the release request and payment are provided to the tower and further specifies the information and protections that must be in the release request form depending on whether the insurance company has the vehicle owner's consent to move the vehicle. The 2004 changes also specify that the towing company is not liable for loss or damage to the vehicle that is not disclosed to the towing company before removal of the vehicle from the tower's storage premises, and states that a cause of action against a tower is not created if the tower releases a vehicle to a person other than the vehicle owner if written authorization for release is provided by the owner or an insurance company. In addition, the 2004 changes allow the vehicle owner to inspect the vehicle at the towing company's storage premises, remove any personal property from the vehicle and report any vehicle damage to the towing company at that time.

Provisions

- Adds the requirement that a towing company must provide at no cost a detailed statement of towing fees and charges as part of the vehicle release procedure.
- States that towing, storage and related fees charged by the towing company must be reasonable.
- Prohibits a towing company from charging for removal of personal property from within a towed vehicle if the removal is done during business hours. Specifies that personal property does not include vehicle parts, equipment or accessories.

- Allows for additional storage charges to accrue until final payment is made to the tower and the vehicle is removed from the premises by the owner or insurance company.
- Prohibits a towing company from moving a previously towed vehicle from its storage lot without prior permission from the owner or insurance company except that the towing company may move the vehicle between its own lots for business purposes at no additional charges to the owner or insurance company.
- Prohibits a vehicle repair facility or its employees from paying or agreeing to pay a towing company in order to recommend services to a potential customer.
- Prohibits a towing company or its employees from accepting or agreeing to accept payment from a vehicle repair facility in order to recommend services to potential customers or to deliver a vehicle to one repair facility rather than another.
- Makes an exception to automobile membership associations when recommending towing companies and vehicle repair facilities in accordance with the association's terms of membership.
- Requires a towing company to tow a vehicle to one of the following locations in the following priority unless otherwise directed by a law enforcement officer:
 1. A location specified by the owner of the vehicle if the owner is present at the time of the tow and able to indicate a preference.
 2. A vehicle storage yard designated in the contract under which the towing company has responsibility for towing the vehicle.
- Classifies paying or accepting or agreeing to pay or accept any monies, fees, commissions, credits, gifts, gratuities, things of value or other compensation for recommending the services of a vehicle facility to potential customers, referring potential customers to a repair facility or delivering a vehicle to one repair facility over another as a class 2 misdemeanor.
- Makes technical and conforming changes.

Amendments

Transportation

- Requires a towing company to inform a customer that they have the right to choose any repair facility they want if the towing company also recommends or gives information on a repair facility.
- Directs the Arizona Department of Public Safety to prescribe a form to be used by a towing company and signed by a person requesting a tow that the towing company advised them that they have the right to use a repair facility of their choice.
- Requires towing companies to retain the signed forms for a period of three years and to make those records available to any law enforcement officer during normal business hours.
- Removes requirements relating to towing companies and vehicle repair facilities that would have prohibited the following:
 1. Recommend the services of a vehicle repair facility to potential customers.
 2. Refer potential customers to a vehicle repair facility.
 3. Deliver a vehicle to one vehicle repair facility over another.
- Prohibits a towing company or vehicle repair facility from doing the following:
 1. Attempt to intimidate or induce a person requesting the tow to choose the services of a vehicle repair facility recommended by the towing company.

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2. Refuse to tow a vehicle unless the person requesting the tow agrees to the vehicle repair facility recommended by the towing company.
 3. Deliver a vehicle to a repair facility other than the one chosen by the person requesting the tow.
- Clarifies that “gift” does not include items of nominal value.
 - Establishes a petty offense for the first violation and a class two misdemeanor for any subsequent violation within a thirty-six month period.